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ILLINOIS COMMERCE COMMISSION **STATE OF ILLINOIS**
ILLINOIS COMMERCE COMMISSION

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ILLINOIS POWER COMPANY, d/b/a AmerenIP)
 and Ameren Illinois Transmission co.)
)
 Petition for (i) a Certificate of Public Convenience)
 and Necessity, pursuant to Sec. 8-406(a) of the)
 Public Utilities Act, (ii) a Certificate of Public)
 Convenience and Necessity, pursuant to Section)
 8-406 of the Public Utilities Act, authorizing)
 construction, operation and maintenance of new)
 345,000 volt lines in Monroe, Randolph, St. Clair)
 and Washington Counties, Illinois; (iii) an order)
 pursuant to Section 8-503 of the Public Utilities Act)
 approving construction of new transmission)
 facilities; (iv) approval of an Agreement between)
 affiliated interests; and (v) other relief as may be)
 necessary.)

Docket No. 06-0179

Statement of Facts

NOW COMES, Leo Fulton, Jr., Intervenor opposing the certification of the above entitled proposed transmission route, and in support of his position states the following:

- 1: The County of Randolph, affected by the proposed Illinois Power Company, et al. ("Petitioners") primary route, formally opposes such route after having conducted meetings where Petitioners' and several groups of affected Randolph County residents offered testimony. See Report-Ethics filed March 28, 2006.
- 2: The City of Red Bud, in Randolph County, with incorporated boundaries lying within 1 ½ miles of Petitioners' primary route, formally opposes such route after

having conducted meetings where Petitioners' and community residents offered testimony. See Correspondence filed April 17, 2006.

3. The Village of Baldwin, in Randolph County, with incorporated boundaries lying within 1 ½ miles of Petitioners' primary route, formally opposes such route after having conducted meetings where Petitioners and community residents offered testimony.
4. The vast majority of landowners affected by the Petitioners' primary route, as well as numerous members of the surrounding communities, oppose the primary route based on a myriad of concerns ranging from economic advancement of the community to questionable health and safety consequences. Exhibit 4A.
5. Petitioners concede that the construction of the proposed route will have an adverse impact on the surrounding area which extends beyond the boundaries of the desired easement: Petitioners' re-prioritized portions of the primary route to protect a "buffer" for IDNR property located several hundred yards away from the former route, without expressing the legal or vested equitable interest IDNR or INPC possesses in such lands. Clearly, the acknowledgment of a need for a buffer zone indicates an understanding by Petitioners as to the effects of the proposed transmission facilities on the surrounding landscape. See Petitioners' Exhibit 6.0, Lines 38-39.
6. Several health research and real estate appraisal studies investigate and report on the impact of overhead high-voltage transmission lines, such as the facility proposed by Petitioners, on the health of proximately located individuals and the sales time or sales price of proximately located land. Exhibit 6A. Such readily

obtainable and publicized documents hold the potential to adversely impact the perceived desirability of lands encumbered by proximity to overhead high-voltage transmission lines, and therefore adversely impact the relative value of such lands.

7. Similar to the situation expressed by Intervenor Merrill Prange, the primary route in Randolph County affects substantially more properties and residences than reasonable alternatives. Indeed, Petitioners' own exhibits indicate a larger number of homes, parcels and landowners affected by the primary route compared to the reviewed alternatives. See Petitioners' exhibit 3.5.
8. With the high visibility and general topography of the location chosen for the primary route, several other facts expose disadvantages with the primary route. The route runs parallel to Richfield Road, south and southeast of Red Bud, through predominantly open terrain, upon relatively higher elevation ground, with little visual impediment lying between the route and the road. Exhibit 8A, 8B, 8C. Over 50 residences are located along the 2 ½ mile improved Richfield Road, all of which lie within 450 yards of the primary route. Several such locations include contiguous, residentially zoned properties conducive to consistent land-usage expansion. The community of Prairie is also located along Richfield Road. (Sections 23, 24, T.4S-R.8W.) Although Petitioners' exhibits and correspondence acknowledges the relative location of the unincorporated community of Renault, Petitioners' documents do not note the location of the unincorporated community of Prairie, which consists of many contiguous residences. In sum, visual inspection reveals that over 75 residences lie within 450 yards of the primary route, between the Kaskaskia River and the Randolph-Monroe County line.

9. Petitioners' primary route, at Illinois Route 3, crosses the Glasscock property, through a large portion residentially zoned. The Sauer property lies directly adjacent to such residentially zoned land. (Sections 20, 21, T.4S.-R.8W.)
10. Commercial development adjacent to Illinois Route 3 extends from the incorporated boundaries of Red Bud to within ½ mile of the primary route. (Section 21, T.4S.-R.8W.)
11. The proposed routing does not take advantage of the limited developability, lower elevation and level ground surrounding the intersection of Illinois Route 3 and Horse Creek. (Section 28, T.4S.-R.8W.)
12. Over 70 acres of land zoned for residential use, and currently under development, lies directly adjacent to the Wright-Trost and the Four Family Ranch properties along Pine Crest Road. (Sections 19, 20, T.4S.-R.8W.) Pine Crest Road is an improved road serving several large parcels of residentially zoned land with high-value residential improvements, and in a setting conducive to continued contiguous and beneficial revenue generating development. Exhibit 12A.
13. Petitioners incorrectly state that the primary route bisects the distance between the incorporated boundaries of Red Bud and Ruma. See Petitioners' exhibit 3.0, Line 99-101. The primary route is actually ½ mile nearer the city of Red Bud and within 1½ miles of the Red Bud city limits.
14. The primary route easement reaches to within 100 yards of the Boling residence and within 130 yards of the Fulton residence, in a location that will require daily entrance and sustained periods within the such easement. The primary route passes within 100 yards of a 140-160 year old log cabin located beside the Fulton

residence. The proposed easement would also deforest two steep hillsides on the Fulton property and one hillside on the Lehr property designated as highly erodable land.

15. Petitioners' consider the location of the primary Prairie West portion of the proposed route to be advantageous in protecting the transmission network from damage due to natural disaster. If the threat of harm to the transmission facilities is at all significant in determining the location chosen, then it is equally dangerous to place such precarious facilities atop or parallel ¼ mile of private lane which provides the sole emergency vehicle access to the Fulton and Boling residences in the event of such a disaster.
16. Petitioners' consider an advantage of the primary route to be that it does not cross any centennial or sesquicentennial farms. Indeed, if Petitioners are concerned about the continuation of long standing, uninterrupted family farm ownership, then conversations with the following affected landowners would reveal similar and superior ownership durations: Janet Dinges – over 150 years; Stanley Sauer – over 120 years; August Burmeister – over 100 years; Willard Uffleemann – over 100 years; Steve Uffleman – over 95 years.
17. The primary route fails to maximize the use of the natural boundary between the communities of Red Bud and Ruma: the valley surrounding Horse Creek. (Sections 26, 27, 28, 29, 30, T.4S.-R.8W.) Nearer to approximating the equal distance between the two incorporated entities, the lower elevation of the lands surrounding the creek offer a level terrain that will neither interfere with desirable development, highly erodable land, nor the large numbers of nearby residences

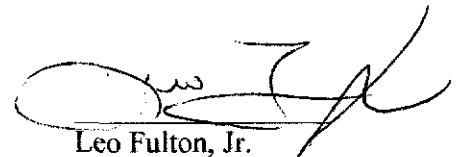
found along the primary route. In addition, placement in the lower elevation area minimizes visibility by concealing the widest portion of the unattractive towers up to 50 feet relative to locations along the primary route.

18. The current primary route represents an unnecessary risk of interfering with highly desirable, unsubsidized, economic growth and development in the Red Bud area. As previously mentioned, residential development has already established itself in the area adjacent the primary route, south of the Red Bud city limits. Inter-community competition for commercial economic development is causing a burgeoning use of revenue diluting inducement mechanisms such as tax increment financing districts, tax abatements, and low or no-interest financing packages. The shifting direction of local revenues is thereby placing more burden upon the unsubsidized residential property owner. To place unattractive encumbrances such as overhead high-voltage transmission lines in areas most conducive to managed contiguous residential growth, deprives the affected community of the benefit of one of its most important revenue generating natural resources - attractive residential setting. In addition, placing a disamenity such as the proposed transmission facility in an area of evident community growth confounds the mission of local public officials to predictably establish continuity and focus infrastructure improvement in the correct location. In short, the community affected loses out on the desirability of valuable land and the ability to predict growth patterns due to interference from the unpredictable and uncontrollable public sentiment over high voltage power lines.

19. The city of Red Bud contains the highest population (over 3500 residents) of the municipalities within 1½ miles of the primary route and the highest population density (over 1600 per square mile) in Randolph County. Between 1990 and 2000, the Red Bud population by 1.7% per year, compared to -0.5% for Randolph County as a whole. Red Bud lies at the intersection of Illinois Route 3 and Route 159. Route 3 is the primary transit corridor through Monroe County, the fastest growing county south of the Chicago Area. Population estimates available through the City of Red Bud predict a 2.4 to 2.8% per year increase in the population over the next decade. With the limited availability of undeveloped land within the Red Bud incorporated area, the likelihood of rapid geographic expansion is substantial.

Respectfully submitted,

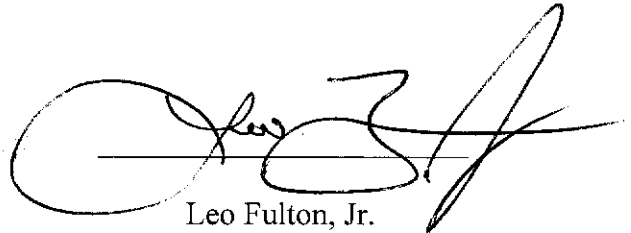
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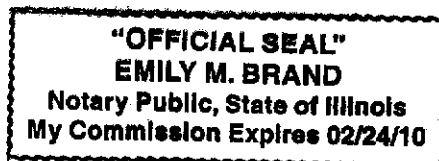
Leo Fulton, Jr.
9791 Pine Crest Rd.
Red Bud, IL 62278
(618) 282-2350
bilmar1@htc.net

VERIFICATION

I, Leo Fulton, Jr., swear, depose and say that I have read the above and foregoing statement by me subscribed and know the contents thereof; that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.



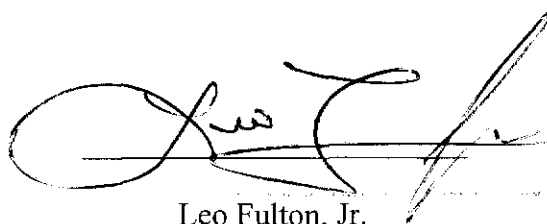
Leo Fulton, Jr.
9791 Pine Crest Rd.
Red Bud, IL 62278
(618) 282-2350
bilmar1@htc.net



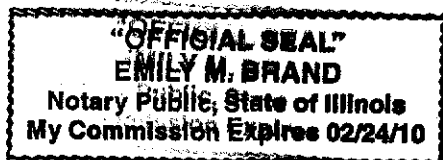
Emily M. Brand

CERTIFICATE OF SERVICE

I, Leo Fulton, Jr., certify that as the 13th day of July, 2006, I served a copy of the foregoing statement by electronic mail or regular mail, postage pre-paid to the individuals on the service list.



Leo Fulton, Jr.
9791 Pine Crest Rd.
Red Bud, IL 62278
(618) 282-2350
bilmar1@htc.net



Emily M. Brand

**Service List – ICC
Docket No. 06-0179**

Janis Von Qualen
Office of General Counsel
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
jvonqual@icc.illinois.gov

Jackie K. Voiles
Illinois Power Company
d/b/a AmerenIP
607 E. Adams St.
Springfield, IL 62739
jvoiles@ameren.com

Thomas and Tammy Vogt
4420 Fults Rd.
Fults, IL 62244
tomtammy@htc.net

Steven R. Sullivan
Sr. Vice President
Illinois Power Company
d/b/a AmerenIP
One Ameren Plz.
1901 Chouteau Ave.
PO Box 66149, MC 1300
St. Louis, MO 63166-6149
srsullivan@ameren.com

Albert D. Sturtevant
Atty. for Petitioners
Jones Day
77 W. Wacker
Chicago, IL 60601
adsturtevant@jonesday.com

Mark and Brenda Seboldt
2604 Stringtown Rd.
Fults, IL 62244
seboldt1@htc.net

James and Connie Seboldt
2254 Grant Rd.
Fults, IL 62244
cbolt@htc.net

Michael E. Sabo
11718 Lehr Rd.
Marissa, IL 62257
nucleardruid@accessus.net

Kenneth and Sandra Schultheis
2513 Grant Rd.
Fults, IL 62244

Ryan Robertson
Atty. for Prairie State Generating
Company, LLC
Lueders Robertson & Konzen
PO Box 735
1939 Delmar Ave.
Granite City, IL 62040
ryrobertson@lrklaw.com

Eric Robertson
Atty. for Prairie State Generating
Company, LLC
Lueders, Robertson, Konzen
1939 Delmar Ave.
P.O. Box 735
Granite City, IL 62040
erobertson@lrklaw.com

David Rippelmeyer
5499 Konarcik Rd.
Waterloo, IL 62298
lilrip@htc.net

David P. Rau
Atty. for Intervenor
Law Offices of Rau & Cooper
PO Box 99
205 E. Market St.
Red Bud, IL 62278
raucoop@htc.net

Merrill W. Prange
PO Box 3
Fults, IL 62244

Dannie and Carolyn Pigg
2549 Grant Rd.
Fults, IL 62244

George Obernagel III
4 Country Lakes Lane
Waterloo, IL 62298
obernagl@htc.net

Eric M. Madiar
Atty. for Intervenor
Freeborn & Peters LLP
217 E. Monroe St., Ste. 202
Springfield, IL 62701
emadiar@freebornpeters.com

Ron Linkenback
Case Manager
Illinois Commerce Commission
527 E. Capitol Ave.
Springfield, IL 62701
rlinkenb@icc.illinois.gov

Joseph L. Lakshmanan
Managing Director-Regulatory
Affairs
Regulatory & Legal Affairs
Dynegy Midwest Generation,
Inc.
2828 N. Monroe St.
Decatur, IL 62526
joseph.l.lakshmanan@dynegy.com

Derrick Huebner
Huebner Development Corp.
6057 State Rte. 3
Waterloo, IL 62298
huebconc@htc.net

Barry Huddleston
Senior Director
Government & Regulatory
Affairs
Dynegy Inc.
1000 Louisiana St., Ste. 5800
Houston, TX 77002
barry.huddleston@dynegy.com

Kenneth Hartman Jr
201 Holstein Place
Waterloo, IL 62298
glendell@htc.net

Christopher W. Flynn
Atty. for Petitioners
Jones Day
77 W. Wacker, Ste. 3500
Chicago, IL 60601-1692
cwflynn@jonesday.com

Edward C. Fitzhenry
Ameren Services Company
PO Box 66149 (M/C 1310)
1901 Chouteau Ave.
St. Louis, MO 63166-6149
efitzhenry@ameren.com

Paul J. Evans
Atty. for Intervenor
Evans Law Firm
6 Eagle Center, Ste. 3
O'Fallon, IL 62269
evanslaw@apci.net

Ralph Buettner
6076 Maecystown Rd.
Waterloo, IL 62298
rakabuet@htc.net